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Attorneys for Federal Defendants

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

CAROLYN V. FOWLER,	)	No. C 06-04716 SBA
)	
Plaintiff,	)	STIPULATION AND ORDER FOR
	)	ADMISSION OF TRIAL TESTIMONY
v.	)	OF MARY YOUNG
)	
JOHN POTTER, Postmaster General for	)	Pretrial Conference Date: October 7, 2008
United States Postal Service,	)	Time: 1:00 p.m.
	)	Ctrm: 3, 3 rd Floor
Defendant.)	
	)	Trial Date: October 15, 2008
	)	Time: 8:30 a.m.
	)	Ctrm: 3, 3 rd Floor

WHEREAS, the trial deposition of Mary W. Young took place on July 15, 2008, in Los Angeles California, during which defendant conducted the direct and redirect of Mary Young, and plaintiff conducted the cross examination of Mary Young;

WHEREAS, such deposition was transcribed by a certified court reporter and video taped by a certified videographer;

WHEREAS, by and through their counsel, the parties plaintiff Carolyn Fowler and defendant John Potter, Postmaster General for United States Postal Service, agreed during the status conference held on July 30, 2008 before this Court that Mary Young was unavailable in accordance with the Federal Rules of Evidence and the Federal Rules of Civil Procedure and that

1 the parties could submit portions of Mary Young's testimony at trial;

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3 WHEREAS, pursuant to the parties' agreement on July 30, 2008, the Defendant hereby
4 agrees to withdraw its Motion to Take Trial Deposition of Unavailable Witness Due to Medical
5 Restriction or In Alternative To Allow Testimony via Video Conference;

6 WHEREAS, both parties have designated portions of the deposition transcript in accordance
7 with this Court's Order for Pretrial Preparation dated August 5, 2008;

8 ACCORDINGLY, the parties by and through their undersigned counsel hereby stipulate that
9 the deponent Mary Young is unavailable for trial within the meaning of rule 804(a) of the
10 Federal Rules of Evidence, and that the parties may submit excerpts of the testimony given at her
11 deposition on July 15, 2008 in accordance with the Federal Rules of Civil Procedure and the
12 Federal Rules of Evidence.

13 So Stipulated

14
15 DATED: October 6, 2008

Respectfully submitted,

16 JOSEPH P. RUSSONIELLO
17 United States Attorney
/s

18 _____
19 MELISSA K. BROWN
Assistant United States Attorney

20 /s

21 Dated: October 6, 2008

22 _____
23 TANYA MEYERS
24 Attorney for Plaintiff
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ORDER

Pursuant to the stipulation of the parties, the deponent Mary Young is unavailable for trial and that the parties may submit excerpts of the testimony given at her deposition on July 15, 2008 in accordance with the Federal Rules of Civil Procedure, 43(a) and 45 (c)(3)(C) and the Federal Rules of Evidence 804 (a)(4) and other applicable Federal Rules of Evidence.

IT IS SO ORDERED.

Dated: 10/7/08


SAUNDRA BROWN ARMSTRONG
United States District Court Judge